

# M. Cabrera & Associates, PC

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### **VIA ECF**

April 24, 2017

Honorable Rosemary Gambardella  
U.S. Bankruptcy Judge  
District of New Jersey  
Courtroom 3E  
50 Walnut Street, 3rd Floor  
Newark, New Jersey 07102

**Re: In re Felice Di Sanza**  
**Case No. : 17-10984 (RG)**

Dear Judge Gambardella,

The Debtor, Felice Di Sanza is currently in the process of retaining our Firm to represent him in various ongoing legal matters. During my initial client interview with Mr. Di Sanza, he advised me of his Chapter 11 filing, Case No.: 17-10984, and the various issues regarding the same.

It is my understanding that currently before the Court is a proposed order submitted by Knighthead SSRE REIT, Inc., ("Knighthead") which would resolve the Motion to Dismiss the Debtor's bankruptcy, which Knighthead filed on March 7, 2017. Under the terms of the Order, Knighthead would receive relief from the automatic stay to immediately proceed with a foreclosure on the Debtor's real property located at 170 East 77th Street, Apartments 7A/8A, New York, New York 10075.

Upon my initial meeting with Mr. Di Sanza, I requested a copy of the proposed order. After reviewing the admissions and concessions in the "WHEREAS" portions of the Order, including the alleged admission by the Debtor that the primary purpose of the filing was to delay a pending foreclosure, I immediately reviewed these paragraphs of the Order with Mr. Di Sanza and the ramifications of the same.

Mr. Di Sanza stated that he was unaware that his prior attorney, Kenneth Rosellini, Esq. entered into a stipulation with counsel for Knighthead at the March 28, 2017 which would grant Knighthead relief from the automatic stay.

The subject property is his residence and he is willing to take any necessary steps to retain his interest in the same. Furthermore, Mr. Di Sanza is not in agreement with any of the other alleged provisions of the Order and was unaware that Rosellini had agreed to the same. Rosellini did not consult with him prior to such consent and did not have his client's authority to enter into this stipulation. In fact, at the time that Rosellini consented to the terms, Mr. Di Sanza was actively seeking new counsel, as he was not satisfied with Rosellini's services.

As detailed therein, the provisions of the proposed order provide for immediate relief to Knighthead and will allow it to resume the pending foreclosure on the property. In addition, the terms of the order virtually guarantee a dismissal of the bankruptcy, in that it alleges its only purpose was to delay a pending foreclosure.

This is not accurate and it is unfathomable why Mr. Di Sanza's former attorney would consent to such provisions being stated in the provisions of an order. The Debtor requests a hearing on the proposed order. At said hearing, the Debtor will request that any alleged "consent" to stay relief be withdrawn, and he will seek to move forward with his bankruptcy, under new counsel.

Respectfully,

/s/ Matthew M. Cabrera  
Matthew M. Cabrera, Esq.

Cc: Jason S. Leibowitz, Esq., Counsel to Knighthead SSRE REIT, Inc. (via ECF)  
Kenneth Rosellini, Esq., Outgoing Counsel to Debtor, Felipe Di Sanza (via ECF)  
David Gerardi, Esq., Office of the U.S. Trustee (via ECF)